

COMMISSIONER OF POLITICAL PRACTICES

An Agency Profile Prepared by the
Legislative Fiscal Division

November, 2016



INTRODUCTION

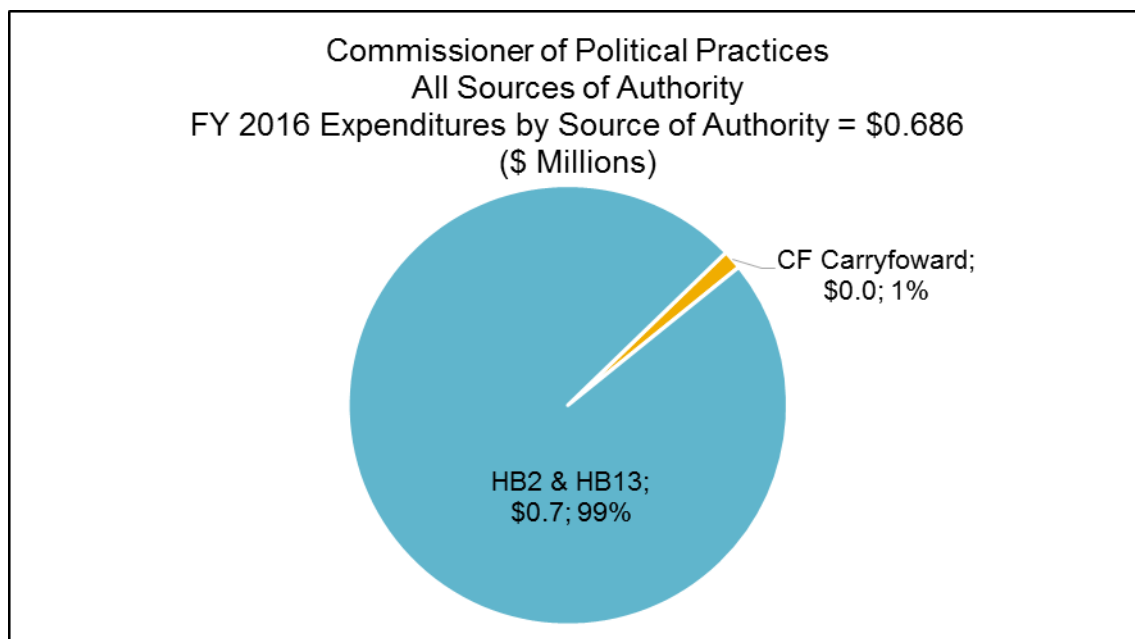
The Commissioner of Political Practices (COPP) has responsibilities that were defined by a legislative initiative in 1980 requiring disclosure of acts by lobbyists and business interests of elected officials. COPP also has the responsibility for the ethical standards of conduct for legislators, public officers, and state employees pursuant to Title 2, Chapter 2 of the Montana Code Annotated. The primary statutory reference defining the duties and responsibilities of COPP are found in Title 13, Chapter 37, Part 1 of the Montana Code Annotated.

HOW SERVICES ARE PROVIDED

The commissioner monitors and enforces campaign practices and campaign finance disclosure, lobbying disclosure, business interest disclosure of statewide and district candidates, elected state officials, and state department directors. The commissioner investigates complaints that arise concerning any of the abovementioned. Additionally, the commissioner enforces the Montana Code of Ethics for legislators, public officers, and state employees, acting in a quasi-judicial role in contested case hearings.

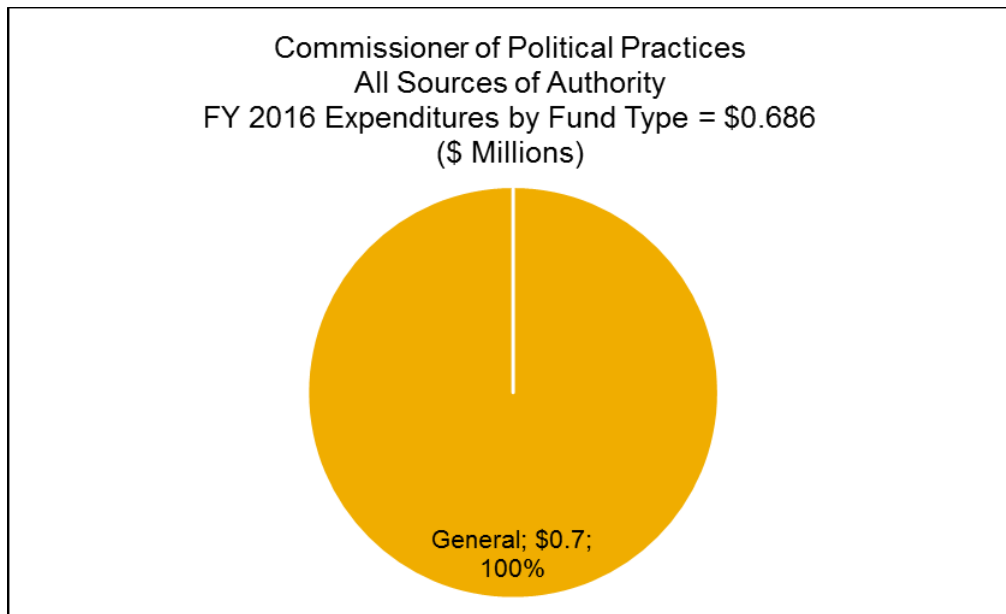
SOURCES OF SPENDING AUTHORITY

The chart below shows the sources of authority for the Commissioner of Political Practices that were expended in FY 2016. The office receives nearly all of its spending authority from HB 2 and the pay plan.

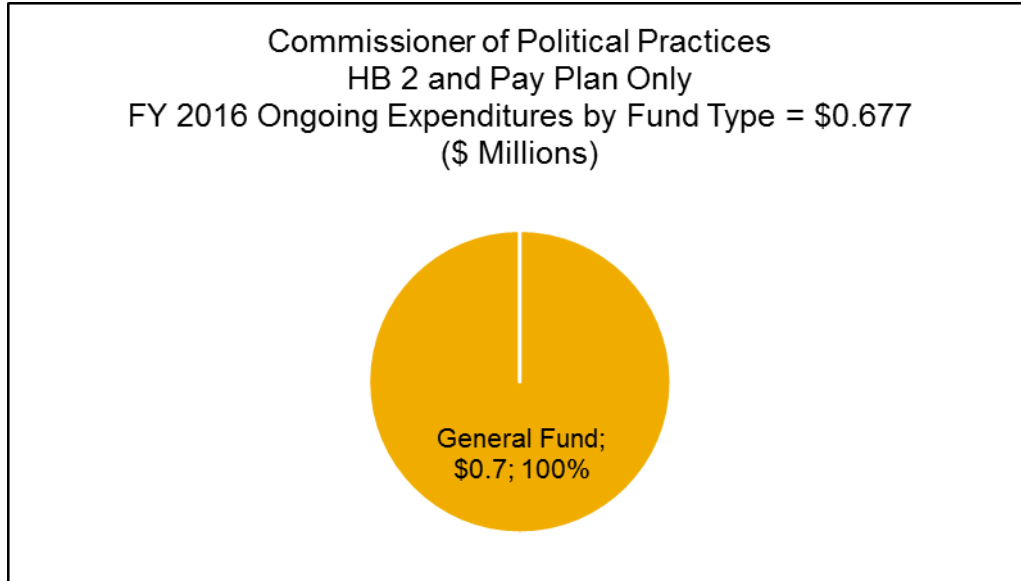


FUNDING

The Commissioner of Political Practices is funded with general fund. The chart below shows FY 2016 actual expenditures by fund type for all sources of authority.

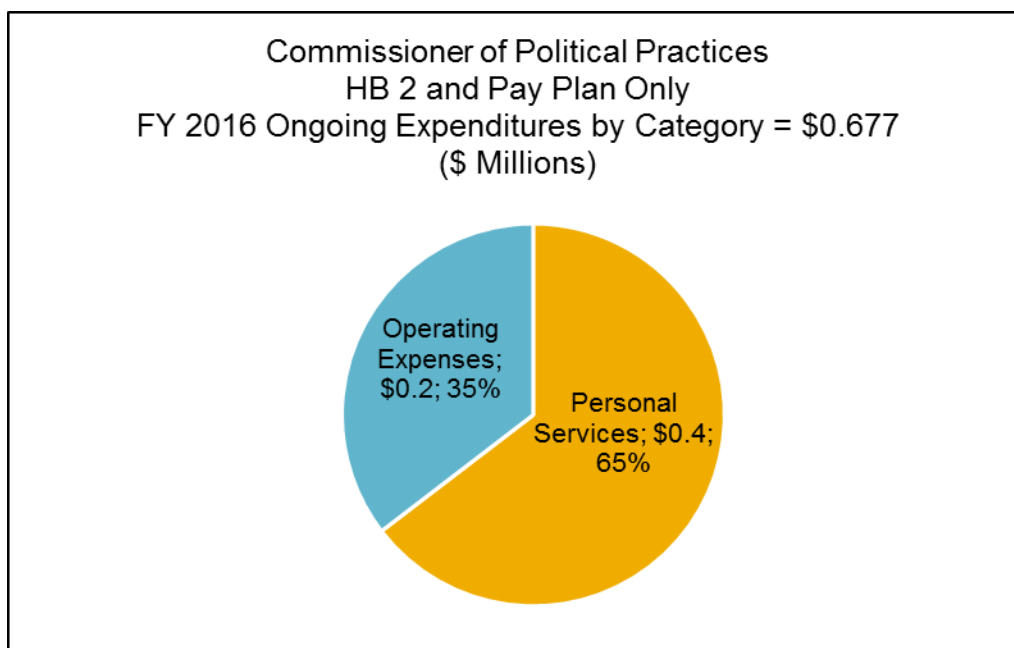


The chart below shows the Commission of Political Practices HB 2 and pay plan expenditures by fund type.



EXPENDITURES

The chart below explains how HB2 and pay plan authority is spent.



HOW THE 2017 LEGISLATURE CAN EFFECT CHANGE

In order to change expenditure levels and/or activity, the legislature might address:

- Laws governing lobbyists and candidates such as filing and reporting processes and fees charged
- The Montana Code of Ethics for public officers, public employees, and legislators

The legislature is less likely to have the ability to effect change regarding:

- The number of formal complaints and related complaint dockets
- Federal legislation or decisions by the Supreme Court or lower courts impacting COPP

MAJOR COST DRIVERS

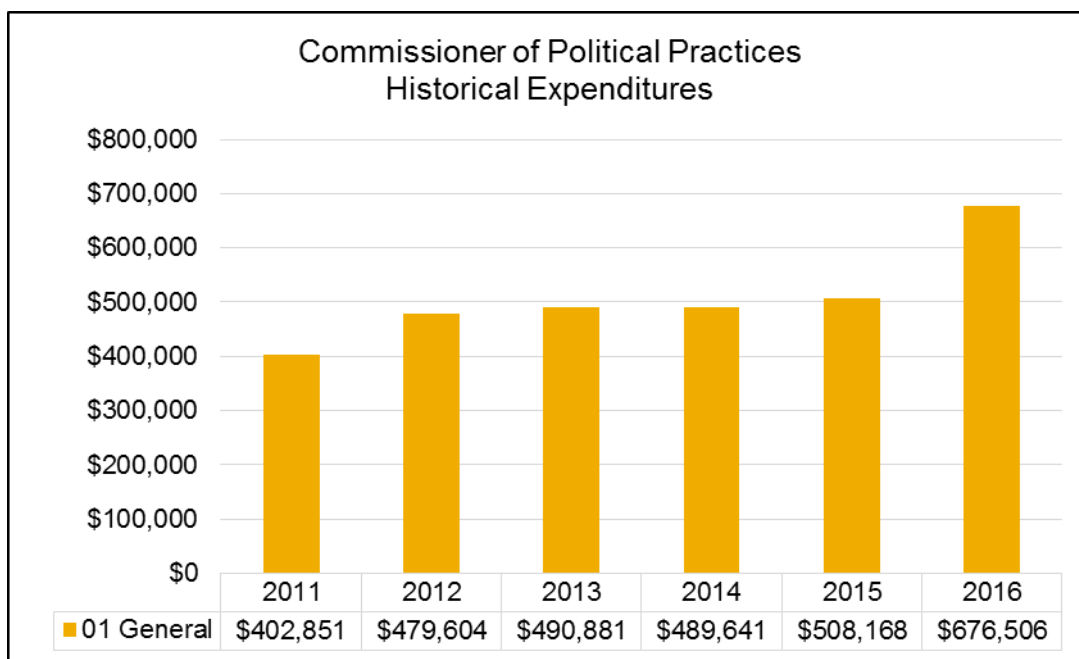
Activities for the Commissioner of Political Practices varies depending on:

- Elections
- Number of candidates filing for offices
- Level of on-going activity related to campaign issues
- Level of on-going activity related to ethics issues

Element	2014	2016
Number of lobbyists	432	421
Number of principals	442	443
Political practice complaints	83	41
Advisory opinions	16	14
Campaign finance form inspections	4,296	4,437

FUNDING/EXPENDITURE HISTORY

The following table shows historical changes in the agency's funding and expenditures. The major reason for changes is due to variations in the amount of legal costs incurred as a result of the number of complaints.



MAJOR LEGISLATIVE CHANGES IN THE LAST TEN YEARS

Major changes in the last ten years include:

- 2015 – The Legislature revised how the Commissioner of Political Practices is appointed and revised the qualifications for the office
- 2013 – The Legislature increased the authority of the Commissioner of Political Practices to enforce laws pertaining to anonymous election materials
- 2013 – The Legislature revised campaign finance and disclosure laws
- 2009 – The Legislature provided COPP with a supplemental appropriation for additional legal expenses and for the settlement of a lawsuit
- 2007 – The Legislature provided for the establishment of constituent services accounts by persons elected to statewide or legislative office or as a public service commissioner. Surplus campaign funds may be deposited into the account. The bill requires the office holder to file a form establishing the account with the COPP and quarterly reports relating to the account
- 2007 – The Legislature allowed certain broadcast campaign advertising material and an affidavit about the truth of the content of the material to be voluntarily filed with COPP

For more information, please visit the agency website, here:

<http://www.politicalpractices.mt.gov/default.mcp.x>.